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Broken promises: escalating human rights violations in Ethiopia

Joint Alternative Report

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**Forth cycle Universal Periodic Review of the Federal
Democratic Republic of Ethiopia**

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Ethiopia: One step forward two steps back in fighting tortureBookmark '_Toc163121762' is not defined within the document

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About the submitting organization

The **World Organisation Against Torture (OMCT)** works with around 200 member organizations which make up its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide. Together, we make up the largest global group actively standing up to torture in more than 90 countries. Helping local voices to be heard, we support our key partners in the field and provide direct assistance to victims. Our International Secretariat is based in Geneva, and we also have offices in Brussels and Tunis. The OMCT's International Secretariat provides personalized medical, legal and/or social assistance to hundreds of torture victims worldwide, to protect individuals and fight impunity. As part of its work, the OMCT also submits individual communications and alternative reports to United Nations' special mechanisms, such the Committee against Torture, Human Rights Committee and Universal Periodic Review Working Group.

The **Ethiopian Human Rights Council (EHRCO)** is an Ethiopian human rights non-governmental organisation created in 1991 by Mesfin Woldemariam and 31 colleagues shortly after the dictator Mengistu Haile Mariam was overthrown. The initial aims of EHRCO were described as helping the 1991 Transitional Government of Ethiopia in "respecting, protecting and fulfilling human rights. EHRCO's funds and staff were greatly reduced in 2009 as a result of a law limiting the role of foreign funds in citizens' associations, and restored by 2020, after Abiy Ahmed became the new prime minister, allowing EHRCO to expand its operations.

Acronyms

UPR – Universal Periodic Report

OLF- Oromo Liberation Front

TPLF- Tigray People’s Liberation Front

UN- United Nations

EHRCO- Ethiopian Human Rights Council

CAT- Committee against Torture

OMCT- World Organization against Torture

Introduction

Our organization has documented two decades of torture against human rights defenders and political activists in reports published in 2021¹ and 2022² on Ethiopia. It appears that the government security forces have adopted a punitive strategy in conflict regions with an excessive use of force and resumed systematically using torture despite having started important democratic changes and reforms in 2018. On the other hand, the government is resuming its old habits in the repression of dissenting voices, in particular human rights defenders and political opponents and violation of the due process. Arbitrary arrests, torture incommunicado and secret detention places have resumed. This report shows that the government of Ethiopia is stepping back on its human rights obligations.

The issues illustrated under this report are based on the UPR recommendations accepted by the state. Special emphasis has been given to the recommendations on civil and political rights with particular reference to torture and inhuman and degrading treatments.

I. SCOPE OF INTERNATIONAL OBLIGATIONS AND COOPERATION WITH THE INTERNATIONAL MECHANISMS AND

¹ OMCT, “*Ethiopia surviving torture a call of three decades of untold tragedy for torture victims in Ethiopia*”, <https://www.omct.org/site-resources/files/Ethiopia-Surviving-torture-Web-pages.pdf>, July 2021

² Ethiopian Human Rights Defenders Center, “*Keynotes on the one-year conflict, the state of emergency, and the situations of Human Rights Defenders in Ethiopia*”, <https://ethdefenders.org/tag/research/>, March 2022

ORGANS OF PROTECTION OF HUMAN RIGHTS

A. Status of ratifications of international human rights instruments

1) Treaties ratified in accordance with the UPR recommendations

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)- in 2020

2) Treaties not ratified despite accepted UPR recommendations

International Convention for the Protection of All Persons from Enforced Disappearance

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

B. Application of the recommendations of international mechanisms for the protection of human rights

1. Follow-up of the recommendations of the Universal Periodic Review

- Promoting greater participation of civil society organizations in human rights work
 - Media Proclamation No. 1238/2021 clearly gives protection for media personnel by allowing them to appear promptly before a court, without being remanded
 - The law n°1113/2019 has been adopted and has removed the financial and other restrictions on CSOs allowing them to raise significant funds from foreign sources and locally registered foreign civil society organizations can directly participate in local activities.
- National human Rights institution

In 2019 Strengthened the Ethiopian Human Rights Commission so that it fully complies with the Paris Principles. The newly adopted establishment proclamation enables the commission to visit and monitor any correction center or prison or any place where people are held without prior notice.

II. COMPLIANCE WITH INTERNATIONAL OBLIGATIONS REGARDING THE ABSOLUTE PROHIBITION OF TORTURE AND ILL-TREATMENTS

i. Comprehensive definition of torture

Despite repeated recommendations by various UN mechanisms including UPR, Ethiopian government has failed to provide the definition of torture aligning to article 1 of the Convention against Torture. Lack of proper definition and criminalization of tortuous acts results in inadequate punishment with no significant deterrence effect.

ii. Prioritization of the prevention of acts of torture and cruel or degrading treatment

In spite of the promising reforms introduced in the country, following the coming of the Peace Nobel Prize winning Prime Minister in 2018, the human rights situation in Ethiopia has greatly deteriorated. There has been back-lash in efforts to prevent torture resulting in its resumption in different contexts. Thousands of suspects particularly those detained in the conflict and emergency settings have been deprived of fundamental legal safeguards. They were subjected to unlawful and prolonged detentions with no due process, exposing them to torture and other cruel and inhuman treatment and punishment.³ The practice of arresting and detaining family members of suspects to force the suspect to appear before the police is the other form of unlawful arrest and detention prevalent in the country.⁴

Prevalence of torture by the government and other actors has been confirmed by credible sources. The Ethiopian Human Rights Commission revealed the pervasiveness of torture in the country in its various periodic reports. The following are testimonies of survivors incorporated under the most recent report of the

³ EHRC, *National inquiry into persons deprived of liberty*, March 2024, a report paper,

⁴ Ibid

commission.⁵

“On another night the police officer took me out of the police station to the nearby forest, known as Gewecha Chaka, tied me to an electric pole and beat me there the whole night asking me to confess. The police tied me with a rope upside down, hanged me in a wood and beat me in a position known as wefilala in Amharic.”

Another female victim’s testimony.

“A female victim from Kebridehar, who was a member of the OLF, was stoned and severely beaten by a police officer sent by the regional deputy police commissioner although she informed the police officer that she recently underwent a surgery. The victim said that her efforts to file a complaint against the police officer did not succeed because the main perpetrator was the regional deputy police commissioner, who had previously beaten the victim and caused a rupture of her uterus.”

The government has frequently utilized states of emergencies to arbitrarily crackdown on peaceful dissent. During the war in the northern Ethiopia, thousands of Tigrayans were ethnically profiled and detained in harsh detention conditions and were subjected to torture and inhuman treatments.⁶ The ongoing state of emergency declared in August 2023, following the war in Amhara region, has also subjected thousands of ethnically profiled Amharas’ to tough and illegal arrest and detention in the official and unofficial detention centers suffering torture and inhumane treatment.⁷ Prominent political opponents’ and human rights defenders, critics of the government were also targeted.⁸ Incidents of neglecting court bail release orders by police are other common practices worsening the situation. Most political prisoners have been denied of their bail rights, granted by courts of law, by the executive.⁹ This interference jeopardizes the independence of the judiciary and exacerbates torture and inhuman treatment.

⁵ Ibid

⁶ AI- Amnesty International, *Amnesty International Report 2022/23; The State of the World's Human Rights; Ethiopia 2022*, periodic report, <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/ethiopia/report-ethiopia/>

⁷ Ashenafi Endale, 19, Aug 2024, *Families’ desperate search amid surging detentions*, The Reporter, https://www.thereporterethiopia.com/36028/#google_vignette

⁸ Ethiopia: Authorities must stop using state of emergency law to silence peaceful dissent, 24 Feb 2024, AI- Amnesty International, <https://www.amnesty.org/en/latest/news/2024/02/ethiopia-authorities-must-stop-using-state-of-emergency-law-to-silence-peaceful-dissent/>

⁹ Ethiopian police refuse to release journalists granted bail, The Reporter, 11 June 2022, <https://www.thereporterethiopia.com/24161/> and Supra note 3

iii. Impartial investigations into cases of excessive use of force, grave human rights abuses and hold perpetrators to account

There have been credible reports of pervasive unlawful or arbitrary killings, including extrajudicial killings by the government; enforced disappearance by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention and serious abuses in conflicts, including unlawful or widespread civilian harm; unlawful recruitment or use of child soldiers by government forces and militia groups; gender-based violence including rape and conflict-related sexual violence and trafficking in persons.¹⁰

The ministerial task force established by the government conducted investigations on the grave human rights violations occurred in Amhara and Afar regions during the two years' war in the northern Ethiopia. The report of the task force uncovered that the warring parties had committed 2831 extra judicial killings, 1315 body injuries, 2212 rape and sexual violence and 452 inhuman and degrading treatments in the two regions.¹¹ In Amhara region in the ongoing war between the Federal government and local militia- *Fano* started in August 2023, hundreds of civilians were reportedly killed by heavy artillery, drone attacks and extra judicial executions by the government force for being suspected of being a member to the *Fano* or supporting this group.¹² On the other hand, the EHRC reported that a drone attack claimed the lives of 80 innocents at Merawi town, 30 kilo meters away from the capital city of the region, on 29 Jan 2024.¹³ These are few of the extrajudicial killings happening in

¹⁰ Supra note 6

¹¹ The Federal Democratic Republic of Ethiopia Inter-Ministerial Taskforce, on Accountability and Redress Investigation and Prosecutions Committee Criminal Investigation Report (Phase I) - Preliminary On Allegations of War crimes, Crimes Against Humanity and Other Violations of International Human Rights Law, International Humanitarian Law, and Domestic Criminal Law Committed by the Parties to the Conflict in Northern Ethiopia, September 19, 2022

¹² Zecharies Zelalem, 23 Dec 2023, *Collective punishment: Ethiopia drone strikes target civilians in Amhara*, ALJAZEERA, <https://www.aljazeera.com/features/2023/12/29/collective-punishment-ethiopia-drone-strikes-target-civilians-in-amhara> and Addis standard, *News: Drone strikes in Amhara region result in loss of civilian lives, infrastructure damage*, Dec 4, 2023 available at <https://addisstandard.com/news-drone-strikes-in-amhara-region-result-in-loss-of-civilian-life-infrastructure-damage/>

¹³ A Guardian Correspondent, 12 Feb 2024, *Dozens of civilians killed by Ethiopian state troops in Amhara region, say reports*, The Guardian, <https://www.theguardian.com/global-development/2024/feb/12/dozens-of-civilians-killed-by-ethiopian-state-troops-in-amhara-region-say-reports>

the region.

The other region with acute summary executions both by militant groups and government forces is Oromia. Many have been killed by government forces for supporting or being a member of Oromo National Front (OLF) and by the OLF for supporting the government.¹⁴ The acute conflict in most parts of the region lasted for more than five years claimed lives of thousands. Thousands of Amharan ethnic groups- minorities in the region- have been brutally tortured and killed by the OLF. Millions displaced solely due to their ethnicity. Women and girls also suffered rape and other types of gender-based violence.¹⁵

Besides, reports of the Ethiopian Human Rights Commission and other reliable organizations operating in Ethiopia have stressed the pervasiveness of enforced disappearance and torture and inhuman treatment and punishment by government forces and other militant groups basing in different parts of the country. These crimes are rampant in most parts of the country especially in Oromia, Amhara, Tigray, Gambella and Benshangul Gumez regions.¹⁶

Forcefully disappearing innocents including children and torturing them and requesting for money for their release is one of the worrisome incidents which has become too common in the country in recent times. The government has not taken significant measures to protect citizens against abduction and other crimes. Relatives of victims and even companies have to pay millions of Ethiopian dollars for the abductors to get their relatives and employees released.¹⁷ The government has failed to discharge its duty to protect.¹⁸

Moreover, even if the peace deal between the warring parties in Tigray ends the active war many Tigrayans residing in Western Tigray have continued facing arbitrary detention, torture, and forced deportations by Amharan forces occupying

¹⁴Ethiopian Human Rights Commission (EHRC), March 2024, *An investigation report on the violations of international human rights and humanitarian laws by government force and other parties in Oromia region*, a periodic report

¹⁵ Ethiopia: Authorities must investigate massacre of ethnic Amhara in Tole, 21 July 2022, Amnesty international, <https://www.amnesty.org/en/latest/news/2022/07/ethiopia-authorities-must-investigate-massacre-of-ethnic-amhara-in-tole/> and Ethiopia: more than 200 Amhara people killed in attack blamed on rebels, 19 Jun 2022, The Guardian, <https://www.theguardian.com/world/2022/jun/19/ethiopia-more-than-200-amhara-people-killed-in-attack-blamed-on-rebels>.

¹⁶ Supra note 3.

¹⁷ The Guardian, *This is a pandemic': Ethiopia's Oromia region gripped by surge in kidnappings*, 23 Jan 2024 available at <https://www.theguardian.com/global-development/2024/jan/23/im-scared-to-leave-addis-ababa-ethiopias-oromia-region-gripped-by-kidnapping-pandemic>.

the area.¹⁹

On the other hand, legal provisions regulating excessive use of force are scattered across many laws of the country and are not compatible with international standards. Ethiopian government acknowledged this fact in its 2019 periodic report on ICCPR and reported that a new use of force law was being drafted.²⁰ Nevertheless, this law has not been enacted yet. Moreover, the government has failed to introduce an independent accountability mechanism that receives and investigates allegations of excessive use of force by law enforcement officers and military personnel.

The government took some steps toward holding government security forces accountable for few abuses.²¹ Indeed, it has also established different mechanisms, such as the National Dialogue²² and National Rehabilitation commissions²³. It undertakes a transitional justice initiative to ensure lasting peace and order in the country. Nonetheless, no meaningful step has been taken to investigate and prosecute majority of past and on-going human rights abuses including atrocity crimes happened in conflicts. Impunity has continued to be a norm.

The government has recently released “Abdi Illey” the former president of Ethiopia’s Somali region, arrested for “violations of human rights and inciting ethnic and religious conflict in the Somali region.”²⁴ During Abdi Illey’s rule there had been widespread rape and routine torture in the notorious torture site Jail Ogaden,²⁵ from which some detainees died. Abdi Illey himself was known to regularly visit the prison. But the authorities never brought charges against Abdi Illey for crimes during his decade of abusive rule. His release is a huge setback to ending impunity for crimes involving senior officials.

¹⁹ *Ethiopia: Ethnic cleansing persists under Tigray truce*, Human Rights Watch, 1 Jun 2023, <https://www.hrw.org/news/2023/06/01/ethiopia-ethnic-cleansing-persists-under-tigray-truce>

²⁰ CCPR/C/ETH/2, 2019, <https://documents.un.org/doc/undoc/gen/g20/023/72/pdf/g2002372.pdf?token=sDx2oO3Db0ZxemvSsX&fe=true>.

²¹ Associated Press, *Ethiopia Convicts 3 Troops of Rape, Charges 28 For Killings*, Voice of America, 22 May 2021, https://www.voanews.com/a/africa_ethiopia-convicts-3-troops-rape-charges-28-killings/6206097.html.

²² Ethiopian National Dialogue Commission Establishment Proclamation No. 1265/2021.

²³ *Ethiopia: Rehabilitation commission established to integrate disarmed rebel fighters*, APA News, 02 JAN 2023, https://www.voanews.com/a/africa_ethiopia-convicts-3-troops-rape-charges-28-killings/6206097.html.

²⁴ Human Rights Watch, *Ethiopia releases ex-politician implicated in heinous crimes*, March 15, 2024 available at <https://www.hrw.org/news/2024/03/15/ethiopia-releases-ex-politician-implicated-heinous-crimes>.

²⁵ Human Rights Watch “*We are like the dead*” torture and other human rights abuses in Jail Ogaden, Somali Regional state, Ethiopia, 2018, available at <https://www.hrw.org/report/2018/07/05/we-are-dead/torture-and-other-human-rights-abuses-jail-ogaden-somali-regional>.

iv. Ensure that journalists and human rights defenders undertake their work in a free environment that guarantees the rights to freedom of opinion and of expression

Despite the revision of restrictive media and civil society laws of the country and opening up of the civic space in 2019, Ethiopian journalists and human rights defenders have been facing serious challenges and abuses in the last few years. Journalists, human rights defenders, opponents, and activists reporting on democracy and human rights issues, and denouncing corruption have been subjected to harassment, arrests and criminalization under the anti-terror legislation.²⁶ There have been constant reports of torture and ill-treatment during interrogation of arrested journalists and human rights defenders. Authorities harassed and detained critical voices, forcing journalists, opposition members, and civil society activists into silence or exile.²⁷ Press licenses are revoked, and offices of Medias were broken through and looted.²⁸

Since the broke out of the Tigray war in November 2020, there were multiple reports of arrests and rearrests of journalists, denial of release by police after a court decision to release them on bail, and reversal of lower court decisions by higher courts because of pressure from the executive or the army. In 2021, dozens of journalists were detained and two killed.²⁹ In May 24/2023, the CPJ reported the arrest of 11 journalists and media workers were detained since May 19/2023 in Amhara Region and Addis Ababa as part of a broader crackdown.³⁰ On January 5, Ethiopian police arrested and forcibly disappeared for several hours', four human rights defenders, staff members of

²⁶ Ethiopian Human Rights Defenders Center (EHRDC), *The second 2023 periodic assessments on the situation of human rights defenders in Ethiopia*, 2023, <https://ethdefenders.org/wp-content/uploads/2023/09/Periodic-assessment-on-the-situations-of-HRDs-in-Ethiopia.-2023-final.pdf>

²⁷ Human Rights Watch, *Ethiopia Events of 2023*, available at <https://www.hrw.org/world-report/2024/country-chapters/ethiopia#:~:text=The%20human%20rights%20situation%20in,with%20impunity%20remaining%20the%20norm.>

²⁸ Zecharias Zelalem, *In Ethiopia, mass detention signals shrinking press freedom*, Al Jazeera, 31 May 2023, <https://www.aljazeera.com/features/2022/5/31/in-ethiopia-mass-detention-signals-shrinking-press-freedom>

²⁹ Ethiopian Human Rights Defenders Center, *EHRDC press statement on arbitrary arrests and detention of journalists in Ethiopia*, Jan 2022, <https://ethdefenders.org/ehrdc-press-statement-on-arbitrary-arrests-and-detention-of-journalists-in-ethiopia/>

³⁰ *Ethiopian authorities arrest 11 employees of 4 independent media outlets*, CPJ, 24 May 2022, <https://cpj.org/2022/05/ethiopian-authorities-arrest-11-employees-of-4-independent-media-outlets/>

Ethiopian Human Rights Council (EHRCO).³¹ Besides, many journalists and human rights defenders were forced to flee their country for fear of persecution.

The government periodically restricted and disrupted access to the internet and blocked social media sites, especially in areas affected by conflict. Since 2016 at least 26 incidents of shutdowns were documented in response to conflict, communal violence and political turmoil.³² Tigray region had no internet during the two years' war period. Added to, the government has enforced internet blackout in the Amhara region starting August 2023 in response to the conflict with the local militia- *Fano*, with partial connectivity restoration occurring since November 2023.³³ In addition to affecting various human rights including the right to expression and information, internet blackouts contribute much in covering up grave human rights abuses happening in the conflict torn areas.

Besides, just like the previous administration the current government has continued to use state of emergencies as a shield to commit grave human rights abuses. Since 2018 a total of six states of emergencies have been declared and the country witnessed most serious human rights violations during these emergencies. It has prolonged the recent six months state of emergency declared in August 4, 2023, in relation to the war in Amhara region for four more months.³⁴ Majority of Oromia region has been under the rule of command post with extensive power including killing suspects, for years.

v. Recommendations

Our organization urges the Ethiopian government to:

- Define torture in line with art 1 of CAT and ensure its absolute

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³² Access now, *Preserving freedom in crisis: Ethiopia's internet shutdowns must not become the norm*, available at <https://www.accessnow.org/press-release/open-statement-internet-shutdown-amhara/>

³³ Addis standard, *News: Internet shutdown costs Ethiopia nearly \$2 billion in economic upheaval*, available at <https://addisstandard.com/news-internet-shutdown-costs-ethiopia-nearly-2-billion-in-economic-upheaval/>.

³⁴ *Ethiopia extends state of emergency in Amhara*, The Reuters, 02 Feb 2024, <https://www.reuters.com/world/africa/ethiopia-extends-state-emergency-amhara-2024-02-02/>.

prohibition in all circumstances including non-custodial, conflict and emergency setting;

- Ensure fundamental legal safeguards to those detained for terrorism-related offences or during states of emergencies and conflicts;
- Revise article 59 (3) of the Criminal Procedure Code to ensure a reasonable maximum duration of police custody not exceeding 48 hours;
- Guarantee protection against torture in law and in practice;
- Ensure that court orders to release suspects on bail are strictly enforced;
- Ensure fundamental legal safeguards to those detained for terrorism-related offences or during states of emergencies and conflicts;
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- Guarantee protection against torture in law and in practice;
- Ensure that court orders to release suspects on bail are strictly enforced;
- Ensure accelerated, impartial and independent investigation of the grave human rights abuses committed in general and in conflict contexts in particular;
- Hold perpetrators into account and end impunity;
- Enact a legislation on excessive use of force well-suited to the international standards; and
- Protect civilians against any atrocities by government forces and other parties.

